

IN RE: PETITION FOR VARIANCE
W/S Mellor Avenue, 222' S of
Frederick Road
(32 & 34 Mellor Avenue)
1st Election District
1st Councilmanic District

Mellor Avenue Limited Partnership
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-297-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for adjacent properties known as 32 and 34 Mellor Avenue, located in the vicinity of Frederick Road in Catonsville. The Petition was filed by the owners of the property, Mellor Avenue Limited Partnership, by Timothy R. Hearn, President, Hearn III Properties, Inc., through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek relief from Section 232.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10 feet in lieu of the required 20 feet for a proposed building addition, and from Section 409.6 of the B.C.Z.R. to permit 58 parking spaces in lieu of the required 66. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Timothy R. Hearn, property owner, Melanie Moser and Ed Haile, representatives of Daft-McCune-Walker, Inc. who prepared the site plan for this project, and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the two subject properties consist of a combined acreage of 1.021 acres, more or less,

ORDER RECEIVED FOR FILING
Date 3/5/97
By [Signature]

MICROFILMED

zoned B.L.-C.C.C. The property known as 32 Mellor Avenue is improved with a one story building, which is occupied by veterinary offices, and the adjacent property, known as 34 Mellor Avenue, is improved with a dwelling. The Petitioners are desirous of expanding the existing veterinary offices and propose razing the dwelling to construct an addition to the building on the adjacent property. The proposed addition of 6,600 sq.ft. will be the same size as the existing building and maintain the same setbacks. However, the existing building is located 10 feet from the rear property line, and thus, the requested variance from rear setback requirements is necessary. Furthermore, as a result of the proposed expansion, additional parking spaces are required to support the expanded business; however, the Petitioners are unable to provide the additional spaces required. In my view, the Petitioners have done an excellent job of providing parking to the extent possible on the subject site. Testimony demonstrated that there is ample parking on the property for the existing veterinary offices and the Petitioners believe, given their past experience with this tenant, that the proposed expansion will not cause any parking problems.

Subsequent to filing their Petition, the Petitioners received a comment, dated February 10, 1997, from Robert W. Bowling, Chief, Development Plans Review Division. Mr. Bowling advised that this project is subject to the requirements of the Landscape Manual and that additional variances from the landscaping requirements were necessary in order to proceed with the proposed improvements.

Testimony and evidence offered at the hearing demonstrated that the design of the property does not afford the Petitioners the ability to meet the requirements imposed by the Landscape Manual. Thus, a variance from the required 10-foot wide landscape buffer and 7% interior parking

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Date 3/2/97
By [Signature]

lot landscaping requirement shall be granted, and the Petition for Variance amended accordingly. However, there is ample room around the perimeter of the subject property for the Petitioner to perform additional landscaping by way of street trees and other types of planting that would soften the impact of this development on Mellor Avenue and motorists travelling thereon. Therefore, any landscaping to be performed on the property shall be done adjacent to Mellor Avenue and the area located along the south side of the proposed addition. While variances from the Landscape Manual shall be granted, the Petitioners shall continue to work with Mr. Avery Harden, Landscape Architect for Baltimore County, to develop an alternative landscape plan which shows the planting to be done in lieu of the 7% interior parking lot landscaping and 10-foot wide landscaping strip. That plan must be reviewed and approved by Mr Harden, prior to the issuance of any use and occupancy permits.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDER RECEIVED FOR FILING

Date

By

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.


Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of March, 1997 that the Petition for Variance seeking relief from Section 232.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10 feet in lieu of the required 20 feet for a proposed building addition, and from Section 409.6 of the B.C.Z.R. to permit 58 parking spaces in lieu of the required 66, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that variances shall be granted from the Baltimore County Landscape Manual which provides for alternative landscaping in lieu of the required 10-foot landscaping strip and 7% interior parking lot landscaping; however, a landscape plan depicting the alternative areas of landscaping shall be submitted to Mr. Avery Harden for review and approval prior to the issuance of any use and occupancy permits.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 3/5/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

March 5, 1997

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S Mellor Avenue, 222' S of Frederick Road
(32 & 34 Mellor Avenue)
1st Election District - 1st Councilmanic District
Mellor Avenue Limited Partnership - Petitioners
Case No. 97-297-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Timothy M. Hearn, President, Hearn III Properties, Inc.
c/o KLNB, Inc., 100 West Road, Suite 505, Towson, Md. 21204

Ms. Melanie Moser and Mr. Ed Haile, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286

People's Counsel

File

RECORDED





Petition for Variance

297

to the Zoning Commissioner of Baltimore County

for the property located at 32 and 34 Mellor Avenue

which is presently zoned BL-CCC

91-297-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Variance from Section(s)

232.3.B of the Baltimore County Zoning Regulations to permit a 10' rear yard setback in lieu of the required 20' setback and a variance of Section 409.6 to permit 58 parking spaces in lieu of the 66 parking spaces required

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardships or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

(410) 494-6200

Address

Phone No

Towson

MD

21204

City

State

Zipcode

Legal Owner(s):

Mellor Avenue Limited Partnership

By: Hearn III Properties, Inc.

(Type or Print Name)

By: Timothy R. Hearn

Signature

Timothy R. Hearn, President

(Type or Print Name)

Signature

c/o KLN, Inc.

100 West Road, Suite 505

Address

321-4905

Phone No.

Baltimore

MD

21204

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



RECEIVED
DROP-OFF
NO REVIEW
11/17/97 WCR

Description

To Accompany Petition for Zoning Variance

1.021 Acre Parcel

97-297-A

Southwest Side of Mellor Avenue

Southeast Side of Frederick Road

First Election District, Baltimore County, Maryland

DMW

Daft-McCune-Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same in the centerline of Mellor Avenue at the point distant 222 feet, more or less, as measured southeasterly along said centerline from its intersection with the centerline of Frederick Road, thence leaving said point of beginning and binding on said centerline of Mellor Avenue referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, (1) South 16 degrees 36 minutes 17 seconds East 210.01 feet, thence leaving said centerline and running the five following courses and distances, viz: (2) South 74 degrees 18 minutes 43 seconds West 181.50 feet, thence (3) North 16 degrees 36 minutes 17 seconds West 250.79 feet, thence (4) North 74 degrees 18 minutes 43 seconds East 156.50 feet, thence (5) South 16 degrees 36 minutes 17 seconds East 40.78 feet, and thence (6) North 74 degrees 18 minutes 43 seconds East 25.00 feet to the point of beginning, containing 1.021 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

December 31, 1996

Project No. 96112 (L96112)



NOTICE OF HEARINGS

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #97-297-A

(Item 297)
32 and 34 Meloy Avenue
SWMS Meloy Avenue, 222 SE
of 61 Frederick Road
1st Election District
1st Councilmanic

Legal Owner(s):
Meloy Avenue Limited
Partnership

Variance: To permit a 10 foot rear yard setback in lieu of the required 20 foot setback and to permit 58 parking spaces in lieu of the 66 parking spaces required.

Hearing: Friday, February 21, 1997 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 867-3353.
(2) For information concerning the file and/or Hearing, Please Call 867-3391.

1/280 Jan. 30

C16128

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan 30, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 30, 1997

THE JEFFERSONIAN,

A. H. Enick
LEGAL AD. - TOWSON

RECORDED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 028519

DROP-OFF - NO REVIEW

ITEM #297

97-297-A

DATE 1/17/97

ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED

Mellor Avenue Limited Partnership

FROM:

#020 - VARIANCE

32 & 34 Mellor Avenue

FOR:

01A0000047MICHRC

\$250.00

BA 0009408AM01-21-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 97-297-A

Petitioner/Developer: MELLOR AVE LTD. PART, ETAL
C/O ROB HOFFMAN

Date of Hearing/Closing: 2/21/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #32 & #34 MELLOR AVE

The sign(s) were posted on _____

1/31/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 1/31/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

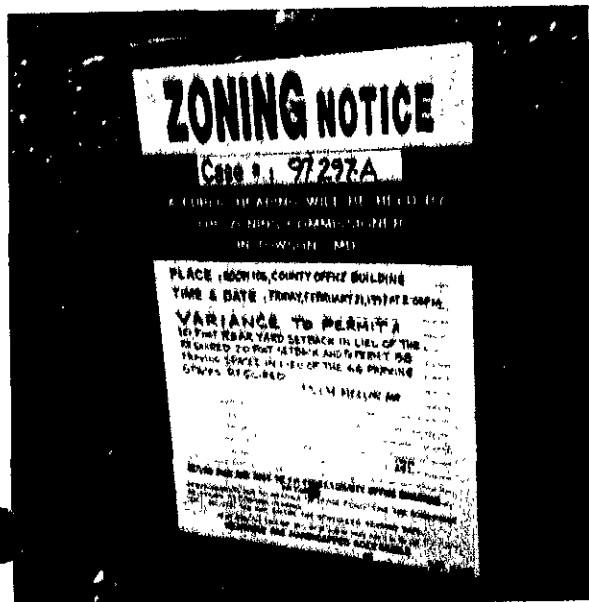
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410) 646-8354

(Telephone Number)



#32 & 34 MELLOR AVE
C/O ROBERT HOFFMAN, ESP.

1/31/97

MICROFILMED

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ITEM 297

ZONING NOTICE

Case No.: 97-297-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: VARIANCE TO PERMIT A 10-FOOT
REAR YARD SETBACK IN LIEU OF THE
REQUIRED 20 FEET AND TO PERMIT 58
PARKING SPACES IN LIEU OF THE 106
PARKING SPACES REQUIRED.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTUMENT PUBLISHING COMPANY
January 30, 1997 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esq.
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204
494-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-297-A (Item 297)
32 and 34 Mellor Avenue
SW/S Mellor Avenue, 222' SE of c/l Frederick Road
1st Election District - 1st Councilmanic
Legal Owner(s): Mellor Avenue Limited Partnership

Variance to permit a 10 foot rear yard setback in lieu of the required 20 foot setback and to permit 58 parking spaces in lieu of the 66 parking spaces required.

HEARING: FRIDAY, FEBRUARY 21, 1997 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

RECEIVED
FEB 21 1997



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 24, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-297-A (Item 297)
32 and 34 Mellor Avenue
SW/S Mellor Avenue, 222' SE of c/l Frederick Road
1st Election District - 1st Councilmanic
Legal Owner(s): Mellor Avenue Limited Partnership

Variance to permit a 10 foot rear yard setback in lieu of the required 20 foot setback and to permit 58 parking spaces in lieu of the 66 parking spaces required.

HEARING: FRIDAY, FEBRUARY 21, 1997 at 2:00 p.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Mellor Avenue Limited Partnership
Robert A. Hoffman, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEB. 6, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



RECEIVED 1997



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 18, 1997

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 297
Case No.: 97-297-A
Petitioner: Mellor Ave. Ltd. Part.

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 17, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: February 10, 1997

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for February 3, 1997
 Item No. 297

The Development Plans Review Division has reviewed the subject zoning item. If the variance is granted, the site will be subject to the Baltimore County Development Regulations adopted in February, 1992.

Also note: Mellor Avenue is an existing 36-foot street cross section on a 50-foot right-of-way, not 60-foot right-of-way as shown on the plan.

The entire site is subject to the Baltimore County Landscape Manual regarding Note #4 on the plan. A Landscape Plan has not been submitted to this office. In order to support the submitted proposal, the following variances to the Baltimore County Landscape Manual are required:

1. A 10-foot-wide landscape strip along all residential property lines and public rights-of-way. This includes the alley. Drainage structures and amenity open space may not occur in landscape strips.
2. The interior of the parking lot must include 7% landscape area. Show location of dumpster and screening. This office does not support these variances.

RWB:HJO:jrb

cc: File

ZONE47G

MICROFILMED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 1-24-97
Item No. 297 (WCR)

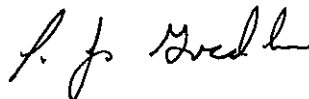
Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

January 27, 1987

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JAN. 27, 1987.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 271, 287, 288,
289, 290, 292, 293, 294, 295 AND 297.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



MICROFILMED.

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: January 30, 1997

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 297

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey M. Long

Division Chief:

Gary L. Kerns

PK/JL

ITEM297/PZONE/ZAC1

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 12, 1997

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #297)
32 & 34 Mellor Avenue
1st Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Previous Commercial Permit -- (Commercial Checklist #5) -- The permit number(s), control number(s) of work on the same property and the approximate date of the last improvement listed on the plat. Add to plan or note there are none.
2. CRG, DRC, Waivers -- (Commercial Checklist #6) -- List any CRG or DRC approval dates or waiver numbers and dates on the plat or note if there are none.
3. Streets, Widening, R/W, Easements -- (Commercial Checklist #10) -- Include all existing public boundary streets with the existing right-of-way and paving width. Include any existing or proposed easements or rights-of-ways and indicate if it is public or private.
4. Street Setbacks -- (Commercial Checklist #13) -- Use of all permanent commercial buildings within 100 feet of each side property line. Show adjacent buildings or note if none.

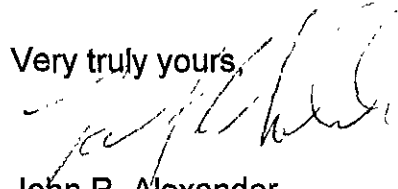


Robert A. Hoffman, Esquire
February 12, 1997
Page 2

5. Signs -- (Commercial Checklist #15) -- Show any free-standing signs and elevation.
6. Zoning Map -- (Commercial Checklist #21.e.) -- Approximate size and location of school and church sites or other landmarks in the area.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,



John R. Alexander
Planner II
Zoning Review

JRA:scj

Enclosure (receipt)

c: Zoning Commissioner



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 21, 1997

97-297-A

Robert A. Hoffman, Esquire
Venable, Baetjer, and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition (Item #297)
32 & 34 Mellor Avenue
1st Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper forms pertaining to this. There is a form indicating the posting standards required by Baltimore County, as well as a list of vendors serving the Baltimore County area. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to Gwendolyn Stephens.

If you have any questions regarding the sign posting, please do not hesitate to contact Gwendolyn Stephens at 887-3391.

Very truly yours,

W. Carl Richards, Jr. / scj

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures



RE: PETITION FOR VARIANCE	*	BEFORE THE
32 and 34 Mellor Avenue, SW/S Mellor Ave,	*	ZONING COMMISSIONER
222' SE of c/l Frederick Road	*	OF BALTIMORE COUNTY
1st Election District, 1st Councilmanic	*	CASE NO. 97-297-A
Mellor Avenue Limited Partnership		
Petitioner		

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of February, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

THE PLAT

12 copies required. The plat shall be legible and clear enough for micro-filming and in no case can it be larger than 24" x 36". It may be necessary for the plat to be produced in sections. It shall contain all the information as set forth on the checklist as follows:

1. OK NORTH ARROW, ELECTION DISTRICT, COUNTY COUNCIL DISTRICT, TITLE PLAN "PLAN TO ACCOMPANY....HEARING" AND THE OWNER'S NAME AND ADDRESS AND ALSO THE PROPERTY ADDRESS AND THE DATE.
2. OK SCALE OF DRAWING: 1" = 20' or 1" = 50'. If acreage exceeds 40 acres, use 1" = 100' scale.
3. OK OUTLINE OF PROPERTY: Indicated by a heavy bold line and bearings, distances and gross and net area (acres and square feet) of the parcel(s). Only, if part of a larger tract, the area which is the subject of the requested hearing should be in bold outline with all metes and bounds.
4. OK VICINITY MAP: A vicinity map must be included on all site plans with the scale of 1" = 1,000' WITH SITE CLEARLY AND ACCURATELY DEPICTED.
5. ADD TO PLAN ON 5. NOTE THAT IS NONE PREVIOUS COMMERCIAL PERMIT: The permit number(s) control number(s) of work on the same property and the approximate date of the last improvement listed on the plat.
6. OK ZONING HEARINGS, C.R.G. WAIVERS: The case number(s), date of the Order(s), what was granted or denied, and any restrictions must be listed and addressed on the plat of all prior zoning hearings. List any C.R.G. approval dates or waiver numbers and dates on the plat.
7. OK ZONING: All zone and district lines on the property, parcel(s) and adjacent property, parcel(s) must be shown on the plat. Include map number in plan notes. Copies of the official 1" = 200' zoning map may be obtained in the Zoning Office, Room 109, County Office Building. Also see note #27 of this checklist.
8. OK OWNERSHIP: Of parcel(s) and relation of parcel(s) to adjacent property including reference deed numbers, lot numbers and subdivision names.
9. OK LOCATION: Street address and name of adjoining street(s) and distance from property corner to the nearest intersecting public street centerline. (Check record plats, State tax maps, or utility maps in Room 206, County Office Building.)
10. OK STREETS, WIDENING, R/W, EASEMENTS: Include all existing public boundary streets with the existing right-of-way and paving width. ALSO INCLUDE ANY RIGHT-OF-WAY WIDENING REQUIRED, EITHER BY BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS OR THE STATE HIGHWAY ADMINISTRATION. Include any existing or proposed easements or rights-of-ways and indicate if it is public or private.
11. OK USES, BUILDINGS: Location and proposed use of all buildings on the property. Plats for public hearing must also show the location of all uses and structures within 200 feet of the property.
12. OK DIMENSIONS, SETBACKS: Dimensions, height, number of stories of all existing and proposed buildings (or additions) on the site including all property lines and building setbacks.
13. OK STREET SETBACKS: And use of all permanent commercial buildings within 100 feet of each side property line to establish average street setback (see Section 303.2, B.C.Z.R., and policy S-2.B).
14. OK ENTRANCES: Location and width of existing and/or proposed entrances (traffic channelization) and their relation to entrances on adjacent properties and properties across the street. Indicate method - curbing, R/R ties. (For requirements, contact either Bureau of Traffic Engineering or State Highways.)
15. OK SIGNS: All existing and proposed, indicating location, height, square footage, illumination, and single or double-faced. INCLUDE ELEVATION DRAWING(S) TO SCALE, IF FREE-STANDING and show placement of sign on the building wall, if wall-mounted and dimensions of the wall.
16. OK UTILITIES: Show location and size of all public utilities and right-of-ways both adjacent to and on-site. If no public water or sewer exist, well and septic system locations must be indicated. (Public utilities reference - room 206, County Office Building.)
17. NA FEATURES: Location of streams, storm water management systems, drainage, and pipe systems on or within 50 feet of the property.

-3 originals of the appropriate form required

5

In Order to File or Revise Your Petition

When you have completed the following steps

CALL 887-3391

to make an appointment

DUE TO THE EXACTING REVIEW NECESSARY FOR PETITION FILING,
PETITIONS OR REVISIONS WILL NOT BE PROCESSED OR ACCEPTED
IF THEY ARE JUST DELIVERED OR MAILED.

Application Procedure

Zoning petitions may be filed with the Office of Zoning Administration and Development Management only by appointment between the hours of 9:00-3:30 on forms furnished by Office of Zoning Administration and Development Management. All information on the forms must be typed or printed and they must be signed by the legal owner(s) or a corporate officer, with the address, zip code and work and home telephone numbers provided. While the Zoning Associate will assist the petitioner in interpreting those provisions of the Baltimore County Zoning Regulations applicable to the particular case, the final wording of the request and other information submitted, as set forth in the application, shall be the sole responsibility of the petitioner(s).

THE APPLICATION MUST CONTAIN:

- 3 (three) original petition forms signed and filled out as indicated;
- 12 (twelve) copies of a sealed plat with all information as indicated in this checklist;
- 3 (three) separate copies of a sealed description of the property, beginning with the distance to the nearest improved intersecting street centerline, as indicated in this checklist;
- 1 (one) copy of the 1"=200' scale official zoning map with the location and boundaries of the subject property accurately depicted (matching the sealed description) and the official zoning map number (NW12B, for example); and
- 1 (one) filing fee of \$250.00 for variance and special hearing/\$300.00 for special exception for each separate request (maximum charge \$650.00 for one property/lot).

NOTE: Advertising and posting fees, in addition to the above fees, will be due on the hearing date.

Review Agencies

PRIOR TO PREPARING THE REQUIRED PLAT, THE PETITIONER OR HIS ENGINEER SHOULD CONTACT THE FOLLOWING AGENCIES FOR PERTINENT DATA THAT MAY BE REQUIRED BY THAT PARTICULAR AGENCY.

- | | |
|--|----------|
| 1. Assessments..... | 321-2272 |
| 2. Public Services..... | 887-3321 |
| 3. Bureau of Traffic Engineering..... | 887-3554 |
| 4. Fire Department..... | 887-3998 |
| 5. State Highway Administration..... | 333-1350 |
| 6. County Roads..... | 887-3739 |
| 7. Planning (Design, Screening, Landscaping)..... | 887-3211 |
| 8. Building Engineer (Plans)..... | 887-3987 |
| 9. Department of Environmental Protection
and Resource Management (D.E.P.R.M.)..... | 887-3980 |

NOTE: The Petitioner has the responsibility to verify the location of the subject site in regards to the Chesapeake Bay Critical Area. A critical area map is available for reference in the Office of Zoning Administration and Development Management. Should the site be located in this area, the petitioner is required to meet D.E.P.R.M. critical area requirements regarding the site. The Office of Zoning Administration and Development Management must have the D.E.P.R.M. comments on the petitioner's request prior to the public hearing.

Special Exceptions

Because not all uses fit neatly into permitted categories or zones, and under certain conditions various uses could be detrimental; the uses listed as Special Exceptions in the B.C.Z.R. are permitted only if granted by the Zoning Commissioner under the authority of Section 500.5, B.C.Z.R. In cases of petitions for Special Exceptions under Section 502 of these regulations, the Zoning Commissioner shall hold a public hearing. After the hearing, he shall pass his Order granting or refusing the Special Exception. In granting any Special Exception, the Zoning Commissioner must find that the use for which the Special Exception is requested will not:

- a. be detrimental to the health, safety, or general welfare of the area;
- b. create congestion in roads, streets or alleys;
- c. create a potential hazard from fire, panic or other dangers;
- d. overcrowd land and cause undue concentration of population;
- e. interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- f. interfere with adequate light and air;
- g. be inconsistent with the spirit and intent of the B.C.Z.R.;
- h. be inconsistent with the impermeable surface and vegetative retention provisions of the B.C.Z.R.

In granting any Special Exception, the Zoning Commissioner may impose such conditions, restrictions, or regulations as he deems necessary or advisable for the protection of surrounding and neighboring properties.

Use Permits

Certain uses have singular, individual characteristics which make it necessary, in the public interest (even though other County permits may not be required), to specify regulations in greater detail than would be feasible in the individual use regulations for each zoning classification. Under the authority of Section 500.4, the Zoning Commissioner has the power to issue a use permit provided that all the conditions for that particular use specified in the B.C.Z.R. are met. Under the authority of Section 500.7, B.C.Z.R., he has the right to require a public hearing whenever he deems it in the public interest.

Special Hearings

Under the authority of Section 500.6, the Zoning Commissioner has the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any Zoning Regulations, or the proper interpretation thereof, and to pass his Order regarding this matter.

Under the authority of Section 500.7, any person can petition the Zoning Commissioner to hold a public hearing to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such a person in any property insofar as they are affected by the B.C.Z.R.

AUTHORITY

& Petitioner's Burden

INFORMATION ONLY, NOT LEGAL ADVICE

All requests for non-residential Variances, Special Hearings, Special Exceptions and Use Permits are handled by the Office of Zoning Administration and Development Management (Z.A.D.M.). Applications are obtained from and filed with the Development Control Section of the Office of Zoning Administration and Development Management, and all hearings are scheduled before the Zoning Commissioner (Hearing Officer). The enabling legislation providing the Zoning Commissioner with this authority is in Sections 307 & 500 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Director of Zoning Administration and Development Management interprets and enforces the Baltimore County Zoning Regulations. Any disagreement with said interpretation may be taken to the Zoning Commissioner per Section 500.7 (B.C.Z.R.). If the site in question is to be approved by the Hearing Officer as part of the development process, the public zoning requests will be considered concurrently with the development proposal.

Legal representation is recommended in all cases, but in the case of a corporation it is a requirement.

Variances

Under the authority of Section 307, B.C.Z.R., the Zoning Commissioner has the power to grant variances from height and area regulations and Residential Transition Areas (R.T.A.), from off-street parking regulations and from sign regulations, only in cases:

- a. Where strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship. The Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, stated:
 1. "To prove undue hardship for a use variance, the following three criteria must be met:
 - (i) Applicant must be unable to secure a reasonable return or make any reasonable use of his property (mere financial hardship or opportunity for greater profit is not enough).
 - (ii) The difficulties or hardship is peculiar to the subject property in contrast with other properties in the zoning district.
 - (iii) Hardship was not the result of applicant's own actions.
 2. To provide practical difficulty for an area variance, the following criteria must be met:
 - (i) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.
 - (ii) Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser relaxation than that applied for would give substantial relief.
 - (iii) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."
- b. No increase in residential density beyond that allowed by the Zoning Regulations shall be permitted;
- c. In strict harmony with the spirit and intent of height, area, off-street parking, or sign regulations;
- d. And only in such manner as to grant relief without substantial injury to public health, safety and general welfare.

Before granting any variance, the Zoning Commissioner shall require advertising and posting of the property and shall hold a public hearing. All orders of the Zoning Commissioner shall contain a finding of fact specifying the reason or reasons for granting or denying each request for a variance.



ZONING

HEARING CHECKLIST

REVISED 5/92

This checklist is provided to you, for your information only, and is not to be considered legal advice.

First, and most importantly: You must understand that the hearing you have requested is a quasi-judicial hearing and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations (B.C.Z.R.). A judicial hearing is an adversary process and, therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence and cross-examine witnesses. Either the Zoning Commissioner or the Deputy Zoning Commissioner will rule on the evidence and testimony to determine whether or not the petition will be granted.

Second: You must understand that you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation. But, if you are incorporated, it is considered a requirement that you be represented by an attorney.

Third: It is strongly recommended that you read and understand the requirements of the Baltimore County Zoning Regulations.

Fourth: No employee of the Baltimore County Office of Zoning Administration and Development Management may provide legal advice to anyone. The representatives and opinions of any employee are not to be construed as definitive in any case. Only the decision of the Zoning Commissioner rendered after the statutory required public hearing is considered dispositive in matters relating to the interpretation of the B.C.Z.R.

Even though there may not be opposition in a given case, your request may be denied.

For further information or to make an appointment, please contact:

Baltimore County Office of Zoning
Administration & Development Management
Development Control
111 West Chesapeake Avenue
Room 109
Towson, MD 21204
Telephone: 887-3391

Non-Residential Properties

Variances
Special Exceptions
Use Permits
Special Hearings

18. FLOOR AREA RATIO CALCULATIONS: The floor area ratio of the total gross floor area of all the buildings on a site divided by the gross site area. (The gross site area includes up to one-half of the boundary streets to which the property has right of access up to a maximum of 30 feet.)
19. AMENITY OPEN SPACE: Location and square footage calculations in the following zones: R.A.E.-1, R.A.E.-2, R.O., O-1, O-2, O-T, B.L.-C.C.C., B.L.-C.T., B.M.-C.C.C., B.M.-C.T., H.R.-C.C.C., R.R.-C.T. The qualifying A.O.S. areas within the net lot area must be shaded and separate areas subtotaled in square feet on the plat and included in the Amenity Open Space calculations in the notes.
20. HEIGHT DETERMINATION: Tent must be included for buildings above 40 feet (See 231, B.C.Z.R.). Where a building height determination is required and S.231, B.C.Z.R., does not apply, use Zoning Policy RM-6 and show a scaled detail drawing on the plan.
21. FIRE HYDRANTS: Location of fire hydrants and distance to the subject property.
22. SITE PLANS: Must be trimmed to a neat 8-1/2" X 11" or, where larger prints are necessary, they shall be folded to that size. THEY MUST BE CLEARLY LEGIBLE. IN NO CASE MAY A PLAT BE LARGER THAN 24" X 36". IT MAY BE NECESSARY FOR THE PLAT TO BE PRODUCED IN SECTIONS TO MEET THIS REQUIREMENT.
23. REQUIRED OFF-STREET PARKING AND CALCULATIONS: Must be included on the site plan for all uses on the property pursuant to Section 409 (B.C.Z.R.) and the attached "GENERAL REQUIREMENTS", "CALCULATIONS", "PARKING PATTERNS", and "SAMPLE SITE PLAN".
24. SPECIAL USE REQUIREMENTS: Certain types of uses are required to show compliance on the plat with the applicable zoning regulations. Such uses include, but are not necessarily limited to, the following: Truck Terminals, Section 410 (B.C.Z.R.); Service Stations, S.405; Damaged or Disabled Vehicles and Parts, 405.A; Car Washes, S.419 and 409.10; uses requiring Automobile Stacking such as banks, drive-through restaurants, etc., S.409.10; Business Industrial Parking in a Residential Zone, 409.8.B and all residential transition area requirements, 1B01.1.B.; Housing for the Elderly, all applicable requirements of S.432 and 1B01.1.B. The petitioner is responsible for determining if information of this nature is required on the plan and for its accurate inclusion.
25. SEALS: Public hearing plats and descriptions must be sealed by an engineer, land surveyor or landscape architect registered with the State of Maryland.
26. ZERO SETBACK BUILDINGS: Must meet building code, as well as fire code requirements with regard to type of construction, windows, etc.
27. ZONING MAP: The surveyor shall furnish one (1) copy of the 1" = 200' scale official zoning map which shall reflect the following information:

- a. Scale: 1" = 200', Map #__;
- b. Outline of the parcel(s) in question accurately depicted and the point of beginning with coordinates shown;
- c. All existing and proposed streets and expressways in the area;
- d. Location of available utilities connections;
- e. Approximate size and location of school and church sites or other landmarks in the area

Zoning Advisory Committee

- A. The above information is to be used as a guide by the members of the Zoning Advisory Committee.
- B. The Zoning Advisory Committee, as established by the County Administrative Officer in 1963, presently consists of ten (10) representatives of various County agencies. The Committee reviews zoning petitions weekly.

C. The review by the Zoning Advisory Committee is aimed, not at making a judgment on the appropriateness of the zoning action requested, but rather to assure that all agencies are made aware of plans or problems that may have a bearing on the case.

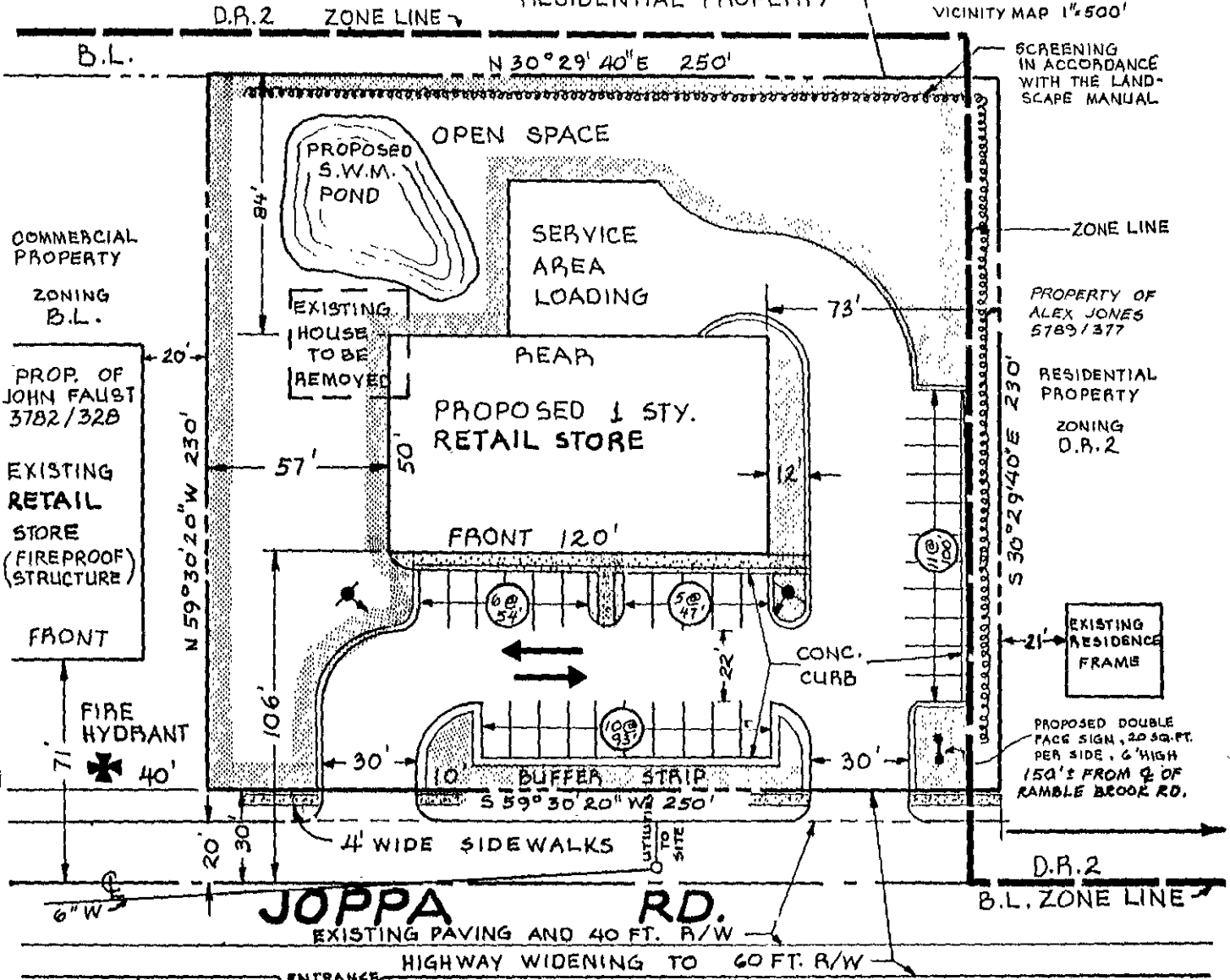
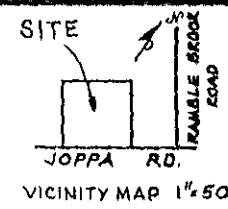
SAMPLE PLAT

-12 copies required

NOTE:
FOR HEARING SHEET
SHOW + DIMENSION
VARIANCE LOCATION

PROPERTY OF
SAMUEL BATES
1487/530

VACANT
RESIDENTIAL PROPERTY

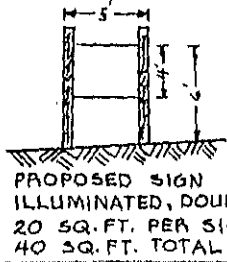


PROPERTY ZONED: B.L. AND D.R.2
14th ELECTION DISTRICT, 6th COUNCILMANIC DISTRICT
PROPERTY: 1.491 ACRES GROSS AREA
BL NET AREA: 1.291 AC. DR 2 NET AREA: 0.0261 AC.
BL GROSS AREA: 1.461 AC. DR 2 GROSS AREA: 0.0291 AC.
F.A.R. = 6,000 ÷ 63,700 = 0.095 F.A.R. ALLOWED = 3.0
A.O.S. = NONE REQUIRED
SCALE: 1" = 50'

PLAN TO ACCOMPANY BLDG. PERMIT
(OR IF PUBLIC HEARING NAME THE TYPE)

PARKING DATA
RETAIL USE
BLDG.: 6,000 SQ. FT.
5 SPACES FOR EACH 1,000 SQ. FT.
60 X 5 =
30 SPACES REQUIRED
32 SPACES SHOWN
TYPICAL SPACE: SIZE 8.5 X 18
PAVING TYPE: MACADAM
SPACES PERMANENTLY STRIPED
NO PRIOR ZONING HEARINGS ON SITE.
PREVIOUS COMMERCIAL PERMITS
C-126-89
CRG WAIVER # W-89-105
ALL STRUCTURES AND USES WITHIN
200' ARE SHOWN.

⬆ LIGHT STANDARD
AND DIRECTION
OF LIGHT 10' HIGH
□ OPEN SPACE
ADDRESS: 102 JOPPA ROAD



THE DESCRIPTION

- 3 copies required

Three typed and sealed (see note 24) copies (separate pages) of the zoning description of the property are required. Standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, are too wordy but some of the information must be used. The zoning description must be in the following form:

ZONING DESCRIPTION

Beginning at a point on the (north, south, east or west) side of (name of street on which property fronts) which is (number of feet of right-of-way width) wide at the distance of (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street (name of street) which is (number of feet of right-of-way width) wide. Thence the following courses and distances:

(Typical metes and bounds: N.87 12' 13" E. 321.1 ft.,
S.18 27' 03" E. 87.2 ft., S.62 19' 00" W. 318 ft.,
and N.08 15' 22" W. 80 ft. to the place of beginning
as recorded in Deed Liber (), Folio ().)

TYPICAL
EXAMPLE

AND, IF APPLICABLE

Being Lot #(), Block (), Section #()
in the subdivision of (name of subdivision) as
recorded in Baltimore County Plat Book #(),
Folio #(), containing (number of total square
feet or acres in lot). Also known as (property address)
and located in the () Election District.

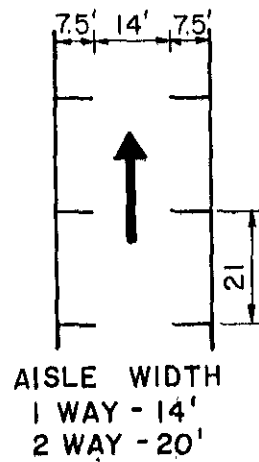
Off-Street Parking Requirements

1. PAVING (TYPE AND EXTENT), STRIPING, AND 10 FOOT SETBACK TO A STREET RIGHT-OF-WAY IS REQUIRED AND MUST BE CLEARLY INDICATED ON THE PLAT AND NOTES.
2. DESIGN, SCREENING AND LANDSCAPING must be provided in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code. These requirements are available from the Current Planning Office. (See 409.8, B.C.Z.R.)
3. CURBING or anchored wheel stops must be provided around every parking lot. The curb or wheel stop must be setback appropriately so as not to allow any portion of a parked vehicle to interfere with the required landscaping and screening. If anchored wheel stops are used, a detail of the anchoring must be shown; neither can be located any closer than 10' to a street right-of-way.
4. DEAD END PARKING BAYS must be provided with a back-around or turn-around and traffic circulation must be clearly indicated by the use of arrows on the plat. (See 409.8.A.5, B.C.Z.R.)
5. LIGHTING: Any fixture used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjacent residential sites, and public streets. Indicate placement, height and direction on the plat. Light standards should be protected by curbing or landscaping. (See 409.8.A.3, B.C.Z.R.)
6. ENTRANCES on County roads for one-way traffic shall be seventeen (17) feet wide. Entrances on County roads for two-way traffic shall be not less than twenty-four (24) feet nor more than thirty (30) feet in width. Monumental entrances on County roads shall be provided with a minimum two (2) foot wide median, and the traffic lanes shall not be less than seventeen (17) feet nor more than twenty-four (24) feet in width for the inbound lane and not less than 18 feet nor more than 36 feet wide for the outbound lane. Also, all entrances should be located at least seven and one-half (7-1/2) feet to a side property line. Reference Department of Traffic Engineering (887-3554).
7. ENTRANCES on State roads are subject to the approval of the State Highway Administration.
8. DRIVE-THROUGH STACKING REQUIRED: BANK - 5 for first station, 2 for each additional station. RESTAURANT - 7 per station and 5 behind order board. CAR WASH - (See Section 419, B.C.Z.R.) OTHER USES - As determined by the Zoning Commissioner.
NOTE: (None of above can include the space at the station.) The drive-through lane must be clearly marked by special striping or pavement markings, may not block parking spaces and may not cross the principal pedestrian access. The principal pedestrian access and the stacking spaces must be clearly shown on the plat, drawn to scale and all requirements noted on the plat. (See 409.5, B.C.Z.R.)
9. COMPACT OR SMALL CAR SPACES: When more than 50 spaces are provided in office and industrial uses and parking structures for residential and lodging uses only. Space size - 7.5 x 16 feet (angled) and 7.5 x 18 feet (parallel) are permitted up to 40% maximum of the required spaces. All dimensions, calculations, and typical spaces must be included on the plan. (See 409.5, B.C.Z.R.)
10. LOADING: (in commercial or industrial) areas must be shown on the plat to accommodate the loading and unloading of materials consistent with the size and use of the building in addition to all other parking requirements. Loading spaces may not impede normal vehicle circulation or block any other required spaces.
11. HANDICAPPED: Parking spaces shall be provided in accordance with the Maryland Building Code for the Handicapped, contained in the Code of Md. Regs. 05.01.07.
12. ADJUSTMENTS (allowed in office and industrial) - Transit - 5% reduction; Ridesharing - 10% reduction; and for Shared Parking - see 409.6.B.3, B.C.Z.R.
13. BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE may be granted by the Zoning Commissioner after a 15 day posting procedure. If a request for a public hearing is filed within this time period, Special Hearing is required. (See 409.8.B, B.C.Z.R.)
NOTE: In a D.R. zone, within a residential transition area, all R.T.A. requirements must be met. See Section 1B01.1.B.1.b.3.(b). These requirements cannot be variances.

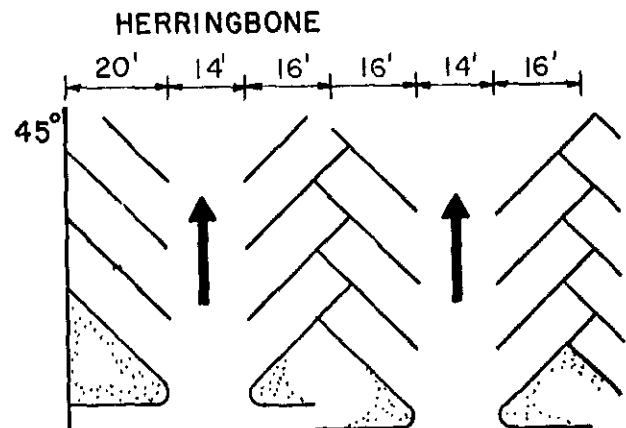
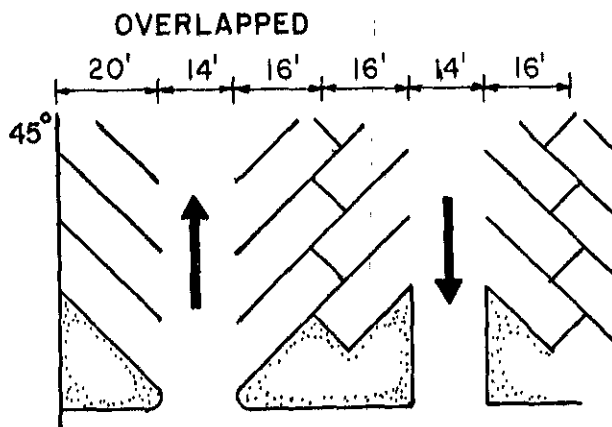
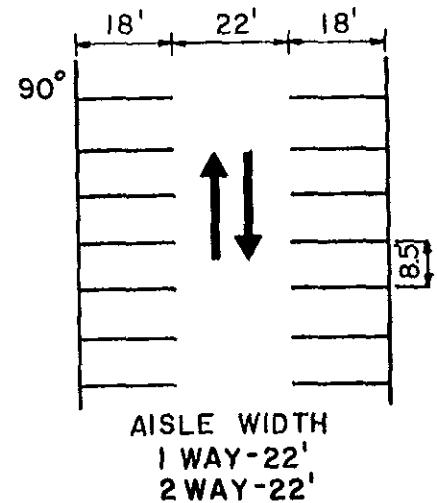
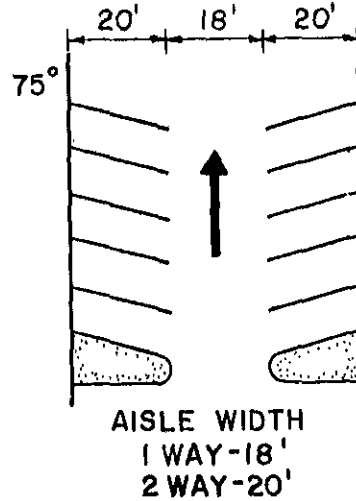
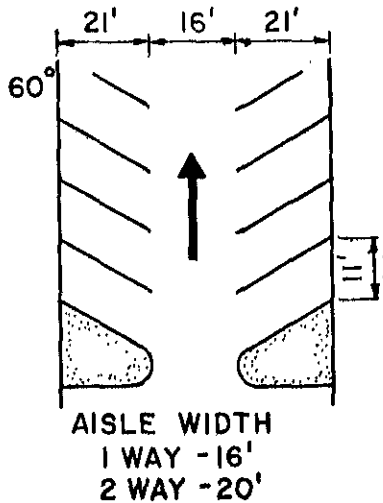
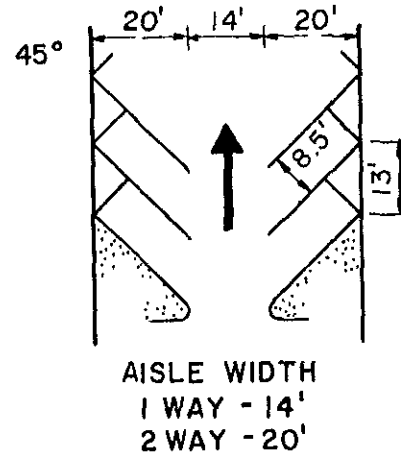
SEE SECTION 409.4.C
B.C.Z.R.

Sample Parking Layouts

NOT TO SCALE



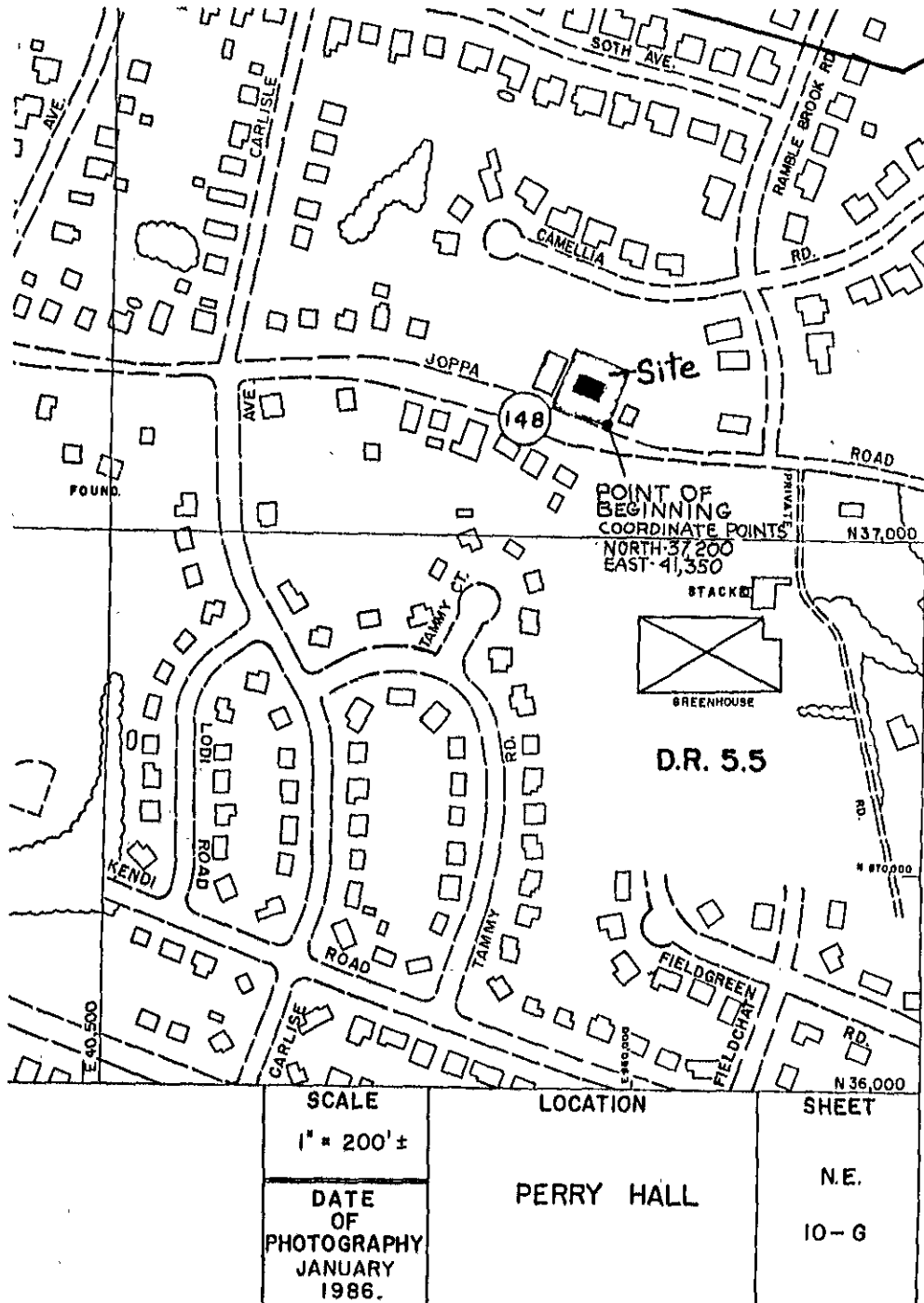
30°
NOT SHOWN
AISLE WIDTH
1 WAY - 14'
2 WAY - 20'



* ALL PARKING, MANEUVERING, ACCESS, AISLES ARE REQUIRED TO BE
PAVED AND STRIPED PER SECTION 409.8 (B.C.Z.R.)

SAMPLE ZONING MAP

-1 copy required



Required Number of Parking Spaces



General Requirements - The standards set forth below shall apply in all zones unless otherwise noted. Where the required number of off-street parking spaces is not set forth for a particular type of use, the Zoning Commissioner shall determine the basis of the number of spaces to be provided. When the number of spaces calculated in accordance with this subsection results in a number containing a fraction, the required number of spaces shall be the next highest whole number.

RETAIL - GENERAL.....5 per 1,000 square feet of
BEAUTY OR HAIR SHOP gross floor area.
SKATING RINK

SHOPPING CENTER.....5 per 1,000 square feet of
(100,000 sq. ft. or more) gross leasable area, no
additional for restaurants
but theatre is 1 per 4
seats. If sales are
anticipated in the public or
open concourse areas, this
area must also be counted.

SHOPPING CENTERS (Less than Calculated by tenant use.
100,000 Square Feet of Gross If sales are anticipated
Leasable Area) in the public or open
concourse areas, this area
must also be counted.

OFFICE - GENERAL.....3.3 per 1,000 square feet of
BANK gross floor area.
PERSONAL SERVICE
ESTABLISHMENT
SERVICE GARAGE
OTHER NON-RETAIL
COMMERCIAL USES

MEDICAL OFFICE OR CLINIC.....4.5 per 1,000 square feet of
gross floor area.

MANUFACTURING, WAREHOUSE.....1 per employee on the
largest shift.

RESTAURANT (With Seating).....20 per 1,000 square feet of
TAVERN, NIGHT CLUB, gross floor area (with a
CATERING, DANCE HALLS, minimum of 10 in all cases).
INCLUDING DANCING, EATING
AND MEETING HALLS, ETC.
BY PRIVATE ORGANIZATIONS

RESTAURANT (Carry Out Only).....5 per 1,000 square feet of
No Seating gross floor area.

ATHLETIC CLUB, HEALTH SPA.....10 per 1,000 square feet of
gross floor area, excluding
the playing court area which
will be counted at 3 per
court.

AUTOMOTIVE SERVICE.....See Section 405, Baltimore
STATION County Zoning Regulations.

BOWLING ALLEY.....4 per lane.

CAR WASH.....See Section 419, Baltimore
County Zoning Regulations.

CHURCH, RELIGIOUS ASSEMBLY.....1 per 4 seats.
THEATRE, AUDITORIUM,
ARENA, STADIUM

DORMITORY.....1 per 4 beds.

FRATERNITY OR BROTHERHOOD.....1 per 2 beds.
HOUSE

FUNERAL HOME, MORTUARY.....10 per 1,000 square feet of
gross floor area for use by
the public, plus 1 per 2
employees, plus 1 for each
vehicle used in the business.

FURNITURE OR CARPET STORE.....2.5 per 1,000 square feet of
RESEARCH & LABORATORY USES gross floor area.

GOLF COURSE.....8 per hole.

GOLF DRIVING RANGE.....1.5 per tee.
MINIATURE GOLF COURSE

GROUP CHILD CARE CENTER1 per employee on the largest
OR NURSERY SCHOOL shift with a minimum of 2.

HOSPITAL.....1.5 per bed with requirements
for separate standing
facilities.

HOTEL, MOTEL.....1 per guest room or suite.
TOURIST HOME, ROOMING
OR BOARDING HOUSE

MARINA, BOAT YARD.....0.5 per slip or per space in
a dry land storage facility.

NURSING HOME.....1 per 3 beds.

POOL HALL, ARCADE.....4 per 1,000 square feet of
gross floor area.

SCHOOLS (All).....1 per employee, plus visitor
and student parking as
determined by the Zoning
Commissioner.

SWIMMING POOLS.....1 per each 7 persons
(Community) permitted in the pool at one
time by the Health
Department.

SWIMMING POOLS.....1 per each 4 people
(Commercial) permitted in the pool at one
time by the Health
Department.

HOUSING FOR THE ELDERLY.....1 per each 1-1/2 dwelling
(Class A - Constructed units.
under a Federal or State
Housing Act)

HOUSING FOR THE ELDERLY.....1 per each dwelling unit.
(Class B - Not constructed
under a Federal or State
Housing or Tax Act)

ASSISTED LIVING FACILITIES.....1 per each 2 beds.
(See definition)

CONTINUING CARE FACILITIES.....1 per dwelling unit and
(See definition) assisted living and
convalescent or nursing
sections by separate
requirements.

COMMERCIAL OR OFFICE USES.....All separate parking
CONTAINED WITHIN AN requirements of the zone and
ELDERLY HOUSING FACILITY the separate uses must be
(In R.A.E. and all met.
business and industrial
zones)

IN THE C.T. DISTRICT OF.....OFFICE (gen.) - 3.3/1,000
TOWSON ONLY G.F.A. for first floor and
2/1,000 for all other
floors; RETAIL (gen.) -
3/1,000 G.F.A.; RESTAURANT,
NIGHT CLUB, TAVERN - none
required.

HISTORIC BUILDINGS.....None required provided that
they are on the National
Register of Historic
Districts and are
contributing to the historic
character of the area.

ABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

97-227
OFFICES IN

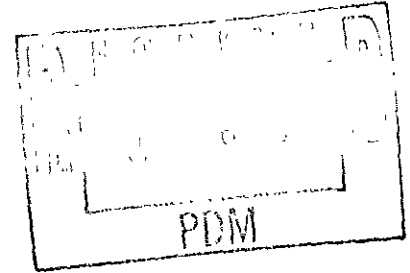
MARYLAND
WASHINGTON, D.C.
VIRGINIA

1/17/97
W8
Writer's Direct Number:
(410) 494-6201

January 16, 1997

Via Hand Delivery

Mr. Carl Richards
Department of Permits & Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204



Re: Legal Owner: Mellor Avenue Limited Partnership
Property Location: 32 and 34 Mellor Avenue
Petition for Zoning Variance

Dear Carl:


I am hereby drop filing the enclosed Petition for Zoning Variance with regard to the above captioned property. This request has not been previously reviewed by your office. Pursuant to Zoning Enforcement, there is no evidence of any zoning citations currently outstanding on this site. Enclosed for submittal are the following documents:

1. Petition for Variance (3);
2. Zoning description (3);
3. Site plans (12);
4. 200' Scale Zoning Map (1); and
5. Check in the amount of \$250.00.

DROP-OFF
1-17-97
OR WCR
#297

If you have any questions, please give me a call.

Sincerely,

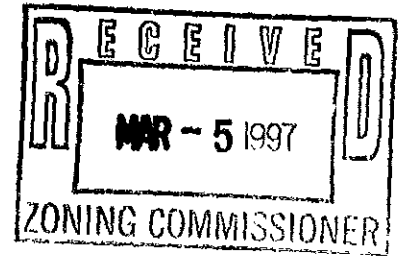

Barbara W. Ormord
Legal Assistant

Enclosures

cc: Timothy R. Hearn
Robert A. Hoffman, Esquire
Charles Main, DMW

February 28, 1997

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Old County Courthouse
400 Washington Avenue
Towson, MD 21204



Re: Variance Petition for Mellor Avenue
Project No. 96112

Daft McCune Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 296 4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Dear Mr. Kotroco:

We met with Mr. Avery Hardin concerning his comments on the Variance Petition for Mellor Avenue. He has agreed to retract the parking islands requirement in exchange for additional landscaping, and to allow the smaller rear buffer if additional landscaping is located on the adjoining residential property. Tim Hearn is contacting the owner for permission to add the landscaping. We are enclosing a copy of the Landscape Plan.

Please call if you have any questions concerning this issue.

Sincerely,

A handwritten signature in cursive script that reads "Melanie Moser".

Melanie Moser
Senior Associate

MM/sd

Enclosure

cc: Robert A. Hoffman, Esq.
Mr. Timothy R. Hearn

MICROFILMED

Petitioners

PLEASE PRINT CLEARLY

~~PROTESTANT~~ (S) SIGN-IN SHEET

NAME

ADDRESS

Rob Hoffman

Melanie Moser

Timothy A. Hearl - Miller Ave. L. P.

Ed Haile

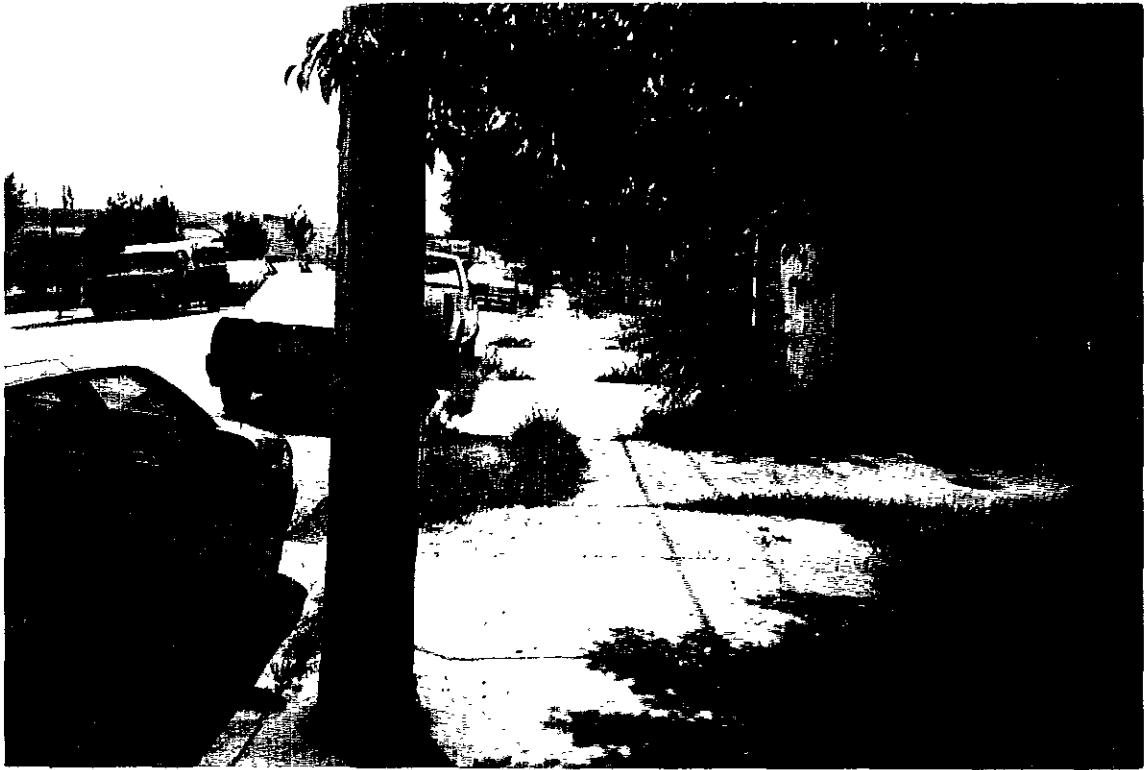
210 Allegheny Ave 21204

DMW
200 E Pennsylvania Ave

335 Warner Avenue, Balt, Md. 21230

DMW

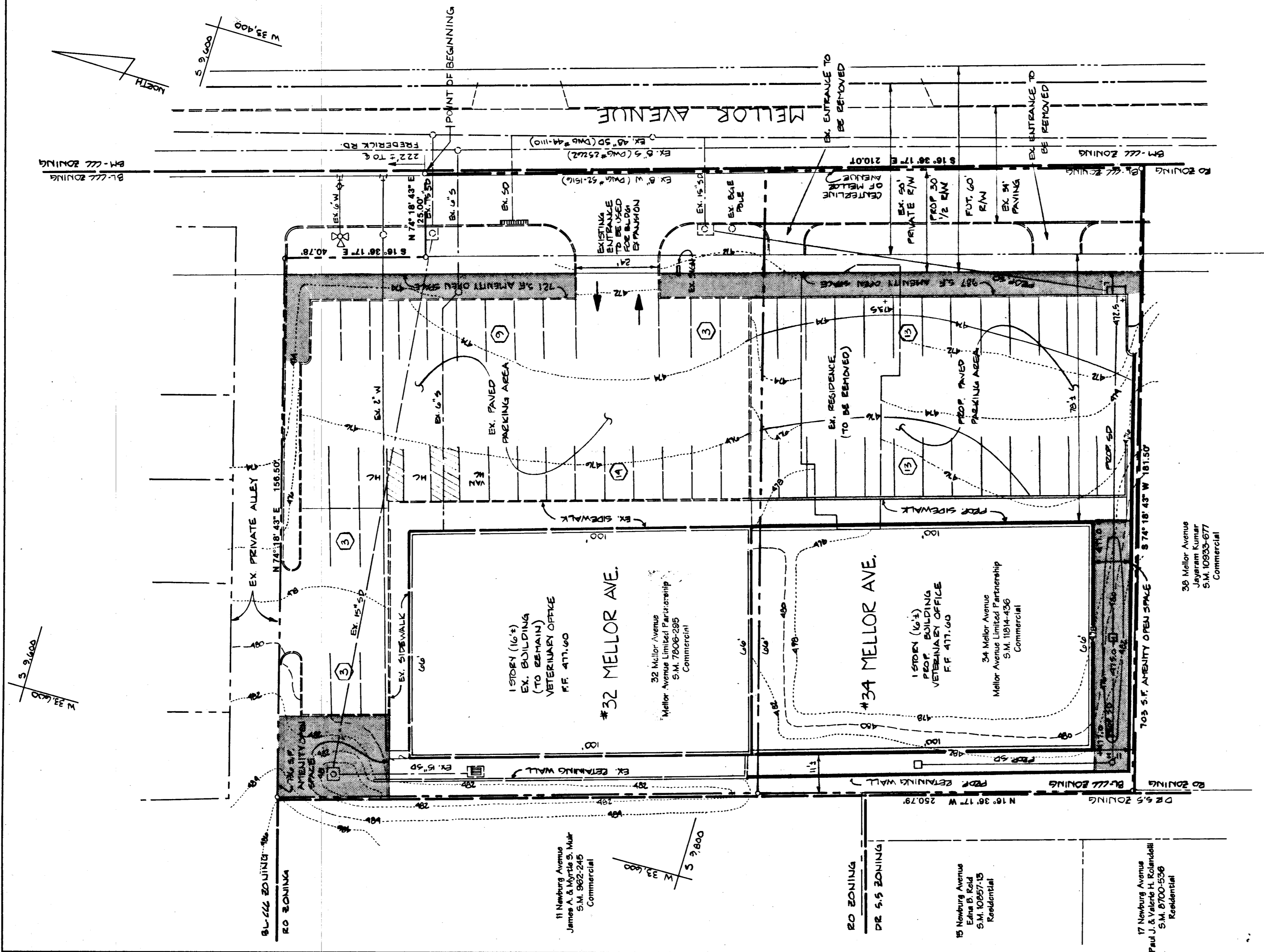
21286





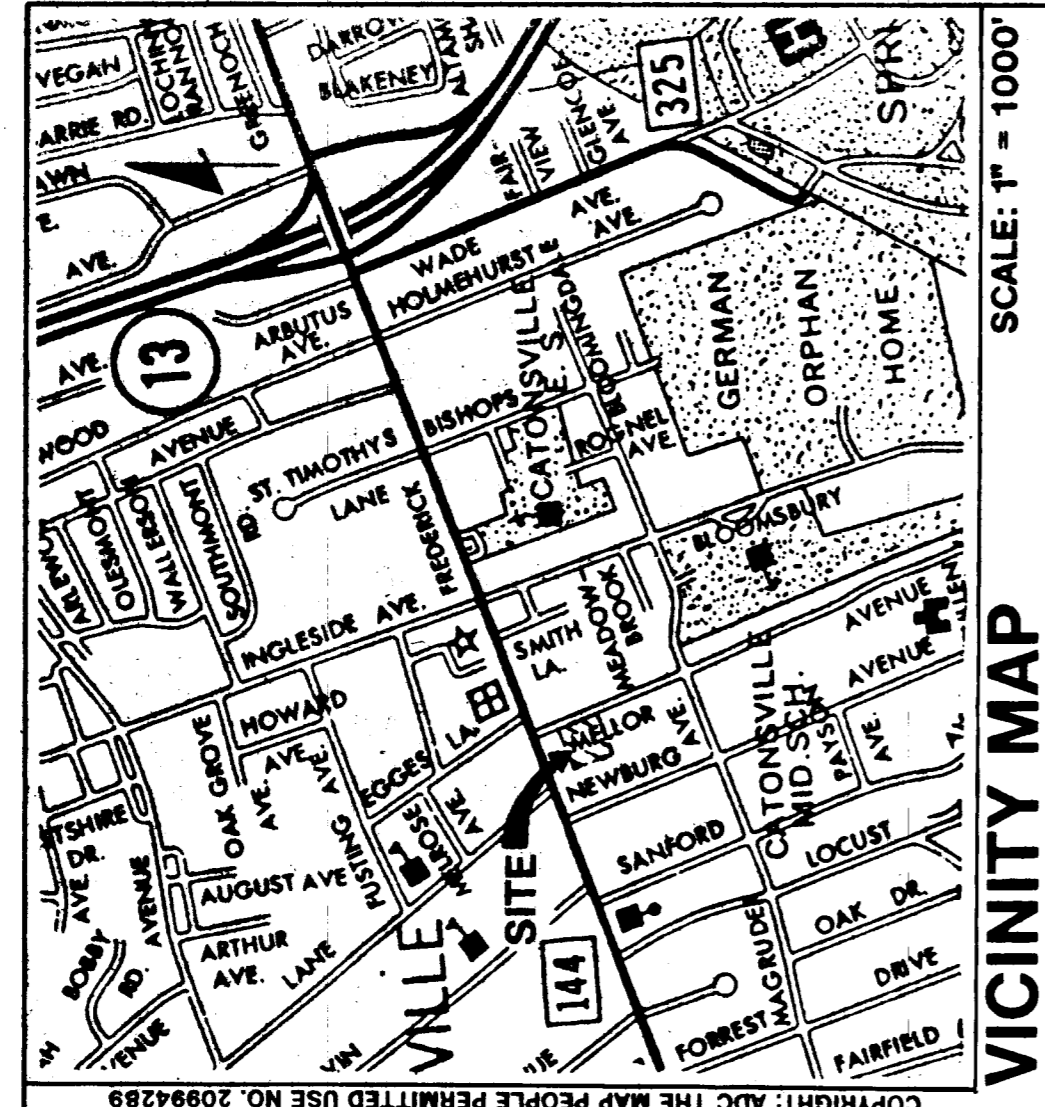
photographs

Case 97-297-A



General Notes			
1. Owner/Developer	Mellor Avenue Limited Partnership KIMBLE 14000 KIMBLE AVE Baltimore, MD 21234 (410) 331-6055		
2. Dated Reference	01/10/14-0002	5/1/14	7604-235
3. The Account Numbers	01/01/30002	11/01/00862	
4. Election District 1: Conduitman District 1, Census Tract 8004			
5. Worksheet 30; Subworksheet 78			
Current Zoning and Aesthetics:			
Net	1.02 Acres ± B3-CDC (449454 ± f)		
Gross	1.04 Acres ± B3-CDC (44954 ± f)		
Allowable	13,500 sq. ft. Intensity Office		
Proposed	13,500 sq. ft. Intensity Office		
Building	13,500 sq. ft. Intensity Office		
Combined 32 and 34 Mellor Avenue	13,500 sq. ft. Intensity Office		
Required	56 spaces (13,500)		
Proposed	56 spaces (13,500)		
All spaces will be a minimum of 8 1/2' x 18', paved with a durable, durable and striped.			
Intensity Open Space			
Combined 32 and 34 Mellor Avenue	0.213200 ± 2,640 ± f.		
Proposed	3,349 ± f.		
Landscaping Plan			
See landscape plan			
There are no known existing well or septic areas or adjacent to the site.			
There is an existing fire hydrant in front of 32 Mellor Avenue.			
6. The site is not subject to the Baltimore County General Convention Act.			
7. A waiver of easement management has been granted for 32 Mellor Avenue.			
8. A waiver will be required for 34 Mellor Avenue.			
9. There are no known existing wetlands, streams, springs, bodies of water or wetlands associated with this property.			
10. No existing buildings are historic. The existing single family residence will be razed.			
11. There are no known significant geological formations, mineral areas, or hazardous materials on the site.			
12. No new signage is proposed. Existing sign at 32 Mellor Avenue will continue to be used.			
13. Zoning History:			
File No. 5738-WV			
Reclassification of property from B-6 Zone to B-3 Zone was approved by the Board of Planning and Zoning on 11/16/13.			
File No. 65135-V			
Permitted on (1) lot from yard instead of the rear yard and (2) lot from rear yard instead of the rear yard and (3) lot from rear yard instead of the rear yard and (4) lot from rear yard instead of the rear yard and (5) lot from rear yard instead of the rear yard and (6) lot from rear yard instead of the rear yard and (7) lot from rear yard instead of the rear yard and (8) lot from rear yard instead of the rear yard and (9) lot from rear yard instead of the rear yard and (10) lot from rear yard instead of the rear yard and (11) lot from rear yard instead of the rear yard and (12) lot from rear yard instead of the rear yard and (13) lot from rear yard instead of the rear yard and (14) lot from rear yard instead of the rear yard and (15) lot from rear yard instead of the rear yard and (16) lot from rear yard instead of the rear yard and (17) lot from rear yard instead of the rear yard and (18) lot from rear yard instead of the rear yard and (19) lot from rear yard instead of the rear 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DATA SOURCES:

**DMV**

Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

MELLOR AVENUE
LOTS #32 AND #34
PLAN TO ACCOMPANY
ZONING VARIANCE

BALTIMORE CO., MD ELECTION DISTRICT NO. 1



PRINTED

JAN 3 1997

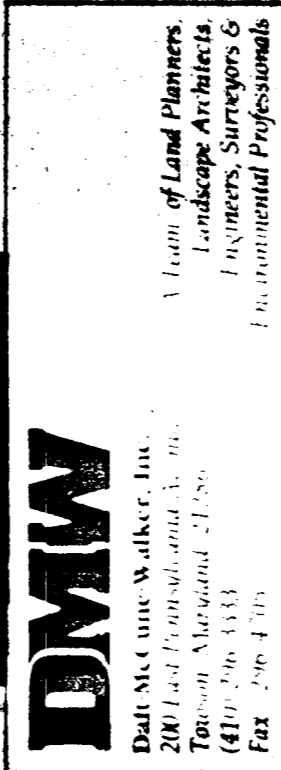
DAFT-McCUNE-WALKER, INC.

[illegible]

ISSUE DATES	BASE:	CRW
REVIEW: 12-31-96	DRAWN: CRW	
ID:	DESIGNED: CRW/CYM	
ERMIT:	CHECKED BY: CYM/EFH	
CONSTRUCTION:	DATE CHECKED: 12-31-96	
SCALE:	DRAWING:	
PROJECT NO: 96112		1 OF 2

MICROFILMED

T



MELLOR AVENUE
LOTS #32 AND #34
PLAN TO ACCOMPANY
ZONING VARIANCE

BALTIMORE CO., MD ELECTION DISTRICT NO. 1

97-297-A
297

[illegible]

1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
ON TOUHER & 1996
BILLS NO. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
Baltimore County
Official Zoning Map
Printed
Jan 3 1997
McGraw-Hill Construction Information Group
Baltimore, Maryland

H-NE	G-NW
H-SE	G-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS:
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY RICHARD HORN INC BALTIMORE MD 21210

MICROFILMED;